



17 SEP 2007

Alan R Loudermilk  
LOUDERMILK & ASSOCIATES  
Post Office Box 3607  
Los Altos CA 94024-0607

In re Application of  
Georges et al.  
Application No.: 10/541,536  
PCT No.: PCT/US03/25813  
Int. Filing Date: 08 August 2003  
Priority Date: 07 January 2003  
Attorney Docket No.: DBT004PCTUS1  
For: Systems And Methods For Creating, Modifying,  
Interacting With And Playing Musical Compositions

DECISION

This is a decision on the "Request For Reconsideration" dated 22 February 2007, which is in effect a renewed petition under 37 CFR 1.182, a renewed petition under 37 CFR 1.137(b) and a renewed submission under 37 CFR 1.497(d).

**DISCUSSION**

*Petition Under 37 CFR 1.137(b)*

In the Decision mailed on 12 February 2007, the renewed petition under 37 CFR 1.137(b) filed on 26 January 2007 was dismissed without prejudice because requirement (1) had not been satisfied (i.e., the "required reply" had not been provided; "specifically, applicants did not timely resolve the issue of Mr. Damevski's name on the declaration. As noted in the following discussion of the petition under 37 CFR 1.182, this issue still has not been resolved to the extent that the application file still does not include a complete declaration document (that is, not a composite) signed by Mr. Damevski. For this reason, the required reply requirement has not been satisfied."). In response, petitioner has provided a declaration document which, when taken with the declaration document filed on 07 February 2006, is acceptable. Therefore, all of the requirements of 37 CFR 1.137(b) have been satisfied.

*Petition Under 37 CFR 1.182*

In the Decision mailed on 12 February 2007, the petition under 37 CFR 1.182 filed on 28 September 2006 was dismissed without prejudice because

Based on the totality of the evidence of record, including Mr. Damevski's statement, it would be appropriate to accept the name of "Voislav ('Voit') Damevski" in lieu of the name "DAMEVSKI, Voit" as nominated by the published international application. However, it would still not be appropriate to accept the declaration of record because applicants have not yet furnished a complete (i.e., not composite) declaration document signed by Mr. Damevski. For this reason, it would not be appropriate to grant the requested relief under 37 CFR 1.182 at this time.

As noted above, petitioner has now provided an acceptable declaration. As such, it now would be appropriate to grant the relief requested under 37 CFR 1.182.

*Submission Under 37 CFR 1.497(d)*

The Decision mailed on 12 February 2007 stated that

Since this case remains abandoned, further consideration of the merits under 37 CFR 1.497(d) would not be appropriate at this time. Such consideration would become appropriate upon the submission of an acceptable declaration document signed by Mr. Damevski. Such a document may name him as Voislav ("Voit") Damevski as discussed above.

As this application has now been revived under 37 CFR 1.137(b), it would now be appropriate to consider the outstanding issue under 37 CFR 1.497(d). In view of the submission of an acceptable declaration document as mentioned *supra*, it now would be appropriate to grant the requested relief under 37 CFR 1.497(d).

**CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.182 is **GRANTED**.

The declaration is **ACCEPTED** under 37 CFR 1.497(d).

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **22 February 2007** (i.e., the date the acceptable declaration of the inventors was filed).



George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283  
Fax: (571) 273-0459